

## Remarks

### Examiner Interview Summary

The Examiner is thanked for the Telephonic Interview conducted with the undersigned on May 19, 2010 and continued briefly on May 21, 2010. On May 19, 2010 the undersigned requested withdrawal of the designation of the Office Action of April 14, 2010 as a "Final" Action. The designation of finality was pointed out to be improper under MPEP 706.07(d) since the new ground of rejection was neither necessitated by Applicants' amendment of the claims nor based on information submitted in an information disclosure statement. The new ground of rejection was based on Eurlings et al. '907 and Lee et al. '968. Eurlings et al. '907 was previously of record and Lee et al. '968 was newly cited by the Examiner.

The new ground of rejection was also not necessitated by Applicants' amendment of the claims. Lee et al. '968 was cited for its alleged disclosure of "at least one optical element substantially dynamically decoupled from the remaining ones of said plurality of the optical elements of the optical assembly" (quoting last full sentence on page 2 of Office Action). However, it was pointed out that the recitation in question had not been added by the previous amendment. In the prior amendment, the recitation in question was merely changed from "dynamically substantially decoupled" to "substantially dynamically decoupled" in order to be more idiomatic.

In the course of the portion of the Telephonic Interview with Examiner Thomas on May 19, 2010, the undersigned also pointed out that all of the rejections under 35 U.S.C. §103(a) presented in the Office Action of April 4, 2010 were improper and should be withdrawn because they are based on an erroneous interpretation of Lee et al. '968.

Namely, contrary to the passage on page 3 of the Office Action quoted above, Lee et al. '968 does not expressly or impliedly disclose or suggest dynamic decoupling. The "coupling" or "decoupling" referred to in Lee et al. '968 is the coupling or decoupling of light from one portion of an optical device to another, not decoupling from undesired movements or vibration. Several passages from the Specification supporting Applicants' construction of "dynamically decoupled" were pointed out to the Examiner in the interview, including the second full paragraph of page 2, the first paragraph of page 3 and the paragraph bridging pages 3 and 4 of the Specification.

The portion of the Telephonic Interview on May 19, 2010 concluded with agreement being reached subject to the Examiner obtaining approval from her Supervisory Primary Examiner, to: (i) withdraw the holding of finality of the Office Action of April 14, 2010 and (ii) to withdraw all outstanding rejections of claims. The Examiner indicated that she would telephone the undersigned after discussing the issues with her Supervisory Primary Examiner and inform the undersigned whether the Supervisory Primary Examiner had approved of the withdrawal of the holding of finality of the action and the withdrawal of the rejections.

On May 21, 2010, Examiner Thomas telephoned the undersigned and reported that she had consulted with her Supervisory Primary Examiner and that the Supervisory Primary Examiner was in agreement that (i) the Office Action of April 14, 2010 should not have been designated as a "Final" Action and that the designation of finality should be withdrawn and (ii) that the outstanding rejections should also be withdrawn.

### **Rejections Under 35 U.S.C. §103(a)**

For the reasons pointed out in the course of the Telephonic Interview with the Examiner and summarized above, agreement has been reached that the rejections of claims 23-32 and 34-36 are improper and should be withdrawn.

### **Miscellaneous Amendments**

Withdrawn claims 21 and 22 are amended herein to depend from claim 2 rather than from cancelled claim 1.

Non-substantive amendments to claims 23, 25, 33 and 36 which are not required to distinguish prior art, or for any other reason relating to patentability, are presented herein and explained below.

Claim 23 is amended to replace the comma after the word "comprising" in order to place the preamble into the conventional form typical in U.S. patent practice. Also, the word "with" and a comma after the word "beam path" in the third from last line thereof have been deleted as unnecessary.

In claim 25, the word "device" has been added immediately after the word "feeder" in order to better conform to the terminology used in base claim 23.

In claims 36 and withdrawn claim 33, the term "optical" has been deleted in order to conform to the terminology used in the preamble of claim 23.

### **Conclusion**

In view of the foregoing, it is believed that all the objections and rejections of record have been overcome and that claims 23 through 32, inclusive and 34 through 36

inclusive are in condition for allowance in their present form. A prompt Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

GrayRobinson, P.A.

**CUSTOMER NO. 60474**

By: 

Donald S. Showalter, Reg. No. 33,033

401 East Las Olas Boulevard  
Suite 1850  
Fort Lauderdale, FL 33301  
(954) 761-7473